

# EXHIBIT “C”

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
EDWARD CARTER, FRANK FIORILLO, KEVIN  
LAMM, JOSEPH NOFI and THOMAS SNYDER,

Index No.: CV 07 1215

Plaintiffs,

**ANSWER**

-against-

INCORPORATED VILLAGE OF OCEAN BEACH;  
MAYOR JOSEPH C. LOEFFLER, JR., individually  
and in his official capacity; former mayor NATALIE  
K. ROGERS, individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT; ACTING  
DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity ; SUFFOLK  
COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT;  
SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE;  
and ALISON SANCHEZ, individually and in her  
official capacity,

Defendants.

-----X  
Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR  
JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor  
NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH  
POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity,** as and for their answer to the plaintiffs'  
complaint, states the following upon information and belief:

**NATURE OF THE CLAIMS**

FIRST: Deny each and every allegation contained in the paragraphs of  
the complaint designated "1", "2" and "3".

**JURISDICTION AND VENUE**

SECOND: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph designated "4".

THIRD: Admit the allegations contained in paragraph designated "5".

**PARTIES**

FOURTH: Deny each and every allegation contained in the paragraphs of the complaint designated "6", "7", "8", "9", "10", "13", "14" and "15".

FIFTH: Admit the allegations contained in paragraph designated "11" and "12".

SIXTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "16", "17", "18" and "19".

**ADMINISTRATIVE PROCEEDINGS**

SEVENTH: Admit the allegations contained in paragraphs designated "20" and "21".

EIGHTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph designated "22".

**FACTUAL ALLEGATIONS**

**Plaintiffs' Employment as Police Officers for the Village of Ocean Beach**

NINTH: Admit the allegations contained in paragraph designated "23".

TENTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "24", "25" and "27".

ELEVENTH: Deny each and every allegation contained in the paragraph of the complaint designated "26".

**Hesse Installs a Regime of Corruption and Unlawful Abuse of Power**

TWELFTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "28" and "29".

THIRTEENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42" and "43".

**Unlawful Obstruction of Justice and Selective Enforcement Orchestrated by Hesse**

FOURTEENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56", "57", "58", "59", "60", "61" and "62".

**OBPD Officers Brutalize Innocent Civilians & Plaintiffs Breach the "Blue Wall of Silence"**

The "Halloween Incident"

FIFTEENTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "63", "64", "68", "69" AND "70".

SIXTEENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "65", "66" and "67".

The Cover-Up by Hesse

SEVENTEENTH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "71", "72", "73", "74", "77", "83" and "84".

EIGHTEENTH: Deny each and every allegation contained in the

paragraphs of the complaint designated "75", "76", "78", "79", "80", "81", "82", "85" and "86".

**Hesse Retaliates Against Plaintiffs & Terminates Their Employment**

NINETEENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "87", "90", "91", "92", "93", "94", "95", "96", "97" and "98".

TWENTIETH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "88" and "89".

**Alison Sanchez Conspires With Hesse to Destroy Plaintiffs' Careers**

TWENTY-FIRST: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "99", "100", "101", "102", "103", "104" and "105".

**Hesse Unlawfully interferes with Plaintiffs' Efforts to Obtain New Employment**

TWENTY-SECOND: Deny each and every allegation contained in the paragraphs of the complaint designated "106", "107", "109", "110", "111", "112", "113", "114" and "125".

TWENTY-THIRD: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraph designated "108".

**AS TO THE FIRST CAUSE OF ACTION**

**(42 U.S.C. §1983, 1985 – First Amendment Retaliation)**

TWENTY-FOURTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR.,** individually and in his official capacity; former mayor **NATALIE K. ROGERS,** individually and in her official

capacity, **OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity**, repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "115," inclusive, as alleged in the paragraph of the Verified Complaint designated "116," with the same force and effect as if fully set forth at length herein.

TWENTY-FIFTH: Deny each and every allegation contained in the paragraphs of the complaint designated "117", "118" and "119".

**AS TO THE SECOND CAUSE OF ACTION**

**N.Y. State Constitution – Free Speech Retaliation**

TWENTY-SIXTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity**, repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "119," inclusive, as alleged in the paragraph of the Verified Complaint designated "120," with the same force and effect as if fully set forth at length herein.

TWENTY-SEVENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "121", "122" and "123".

**AS TO THE THIRD CAUSE OF ACTION**

**(42 U.S.C. §1983, 1985 – Procedural Due Process/U.S. Constitution)**

TWENTY-EIGHTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "123" inclusive, as alleged in the paragraph of the Verified Complaint designated "124" with the same force and effect as if fully set forth at length herein.

TWENTY-NINTH: Deny each and every allegation contained in the paragraphs of the complaint designated "125", "126", "127" and "128".

**AS TO THE FOURTH CAUSE OF ACTION**

**(New York State Procedural Due Process)**

THIRTIETH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "128" inclusive, as alleged in the paragraph of the Verified Complaint designated "129" with the same force and effect as if fully set forth at length herein.

THIRTY-FIRST: Deny each and every allegation contained in the

paragraphs of the complaint designated "130", "131", "132" and "133".

**AS TO THE FIFTH CAUSE OF ACTION**

**(42 U.S.C. §1983 – Due Process/U.S. Constitution)**

THIRTY-SECOND: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "133" inclusive, as alleged in the paragraph of the Verified Complaint designated "134" with the same force and effect as if fully set forth at length herein.

THIRTY-THIRD: Deny each and every allegation contained in the paragraphs of the complaint designated "135", "136", "137", "138", "139" and "140".

**AS TO THE SIXTH CAUSE OF ACTION**

**(New York State Due Process)**

THIRTY-FOURTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the



Complaint designated "1" through "140" inclusive, as alleged in the paragraph of the Verified Complaint designated "141" with the same force and effect as if fully set forth at length herein.

THIRTY-FIFTH: Deny each and every allegation contained in the paragraphs of the complaint designated "142", "143", "144", "145" and "146".

**AS TO THE SEVENTH CAUSE OF ACTION**

**(42 U.S.C. §1983, 1985 – Fourteenth Amendment – Equal Protection)**

THIRTY-SIXTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "146" inclusive, as alleged in the paragraph of the Verified Complaint designated "147" with the same force and effect as if fully set forth at length herein.

THIRTY-SEVENTH: Deny each and every allegation contained in the paragraphs of the complaint designated "148", "149" and "150".

**AS TO THE EIGHTH CAUSE OF ACTION**

**(N.Y. Civil Service Law 75-b)**

THIRTY-EIGHTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official**

capacity; former mayor **NATALIE K. ROGERS**, individually and in her official capacity, **OCEAN BEACH POLICE DEPARTMENT** and **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE**, individually and in his official capacity, repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "146" inclusive, as alleged in the paragraph of the Verified Complaint designated "147" with the same force and effect as if fully set forth at length herein.

THIRTY-NINTH: Deny each and every allegation contained in the paragraphs of the complaint designated "148", "149" and "150".

FORTIETH: Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "153" and "154".

**AS TO THE NINTH CAUSE OF ACTION**

**(N.Y. Labor Law 740)**

FORTY-FIRST: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR.**, individually and in his official capacity; former mayor **NATALIE K. ROGERS**, individually and in her official capacity, **OCEAN BEACH POLICE DEPARTMENT** and **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE**, individually and in his official capacity, repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "156" inclusive, as alleged in the paragraph of the Verified Complaint designated "157" with the same force and effect as if fully set forth at length herein.

FORTY-SECOND: Deny each and every allegation contained in the paragraphs of the complaint designated "158", "159", "160", "161" and "162".

**AS TO THE TENTH CAUSE OF ACTION**

**(Defamation *Per Se* Under State Law)**

FORTY-THIRD: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR.,** individually and in his official capacity; former mayor **NATALIE K. ROGERS,** individually and in her official capacity, **OCEAN BEACH POLICE DEPARTMENT** and **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,** individually and in his official capacity, repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "162" inclusive, as alleged in the paragraph of the Verified Complaint designated "163" with the same force and effect as if fully set forth at length herein.

FORTY-FOURTH: Deny each and every allegation contained in the paragraphs of the complaint designated "164", "165", "166", "167", "168" and "169".

**AS TO THE ELEVENTH CAUSE OF ACTION**

**(Termination in Violation of Public Policy Under State Law)**

FORTY-FIFTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR.,** individually and in his official capacity; former mayor **NATALIE K. ROGERS,** individually and in her official capacity, **OCEAN BEACH POLICE DEPARTMENT** and **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,** individually and in his official capacity, repeat and

reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "169" inclusive, as alleged in the paragraph of the Verified Complaint designated "170" with the same force and effect as if fully set forth at length herein.

FORTY-SIXTH: Deny each and every allegation contained in the paragraphs of the complaint designated "171", "172", "173" and "174".

**AS TO THE TWELFTH CAUSE OF ACTION**

**(Negligent Retention of an Unfit Employee under State Law)**

FORTY-SEVENTH: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "174" inclusive, as alleged in the paragraph of the Verified Complaint designated "175" with the same force and effect as if fully set forth at length herein.

FORTY-EIGHTH: Deny each and every allegation contained in the paragraphs of the complaint designated "176", "177" and "178".

**AS TO THE THIRTEENTH CAUSE OF ACTION**

**(RICO)**

FORTY-NINTH: Defendants, **INCORPORATED VILLAGE OF OCEAN**

**BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "178" inclusive, as alleged in the paragraph of the Verified Complaint designated "179" with the same force and effect as if fully set forth at length herein.

FIFTIETH: Deny each and every allegation contained in the paragraphs of the complaint designated "180", "181", "182", "183" and "184".

**AS TO THE FOURTEENTH CAUSE OF ACTION**

**(Civil Conspiracy Under State Law)**

FIFTY-FIRST: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "169" inclusive, as alleged in the paragraph of the Verified Complaint designated "170" with the same force and effect as if fully set forth at length herein.

FIFTY-SECOND: Deny each and every allegation contained in the

paragraphs of the complaint designated "186" and "187".

**AS TO THE FIFTEENTH CAUSE OF ACTION**

**(Tortious Interference With A Prospective Business Relationship Under New York Law)**

FIFTY-THIRD: Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity,** repeat and reiterate their answer to each and every allegation contained in the paragraphs of the Complaint designated "1" through "187" inclusive, as alleged in the paragraph of the Verified Complaint designated "188" with the same force and effect as if fully set forth at length herein.

FIFTY-FOURTH: Deny each and every allegation contained in the paragraphs of the complaint designated "189", "190", "191" and "192".

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

FIFTY-FIFTH: That the plaintiffs' complaint fails to state facts sufficient to constitute a cause of action against this defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

FIFTY-SIXTH: That if the plaintiffs sustained any injuries and/or damages at the time and place alleged in the Complaint, same were wholly caused by the culpable conduct and/or negligence of the plaintiffs and these defendants are entitled to judgment dismissing the Complaint herein.

FIFTY-SEVENTH: That if the plaintiffs sustained the injuries and damages alleged in the Complaint, same were caused if not in whole, then in part, by the culpable conduct and/or negligence of plaintiffs and these answering defendants are entitled to judgment assessing and fixing the culpable conduct of plaintiffs contributing to said injuries and damages in proportion to plaintiffs' culpable conduct as determined after trial.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

FIFTY-EIGHTH: The plaintiffs failed to exhaust all administrative remedies that are prerequisites.

**WHEREFORE**, defendants, INCORPORATED VILLAGE OF OCEAN BEACH and OCEAN BEACH POLICE DEPARTMENT, demand judgment dismissing the plaintiffs' complaint herein as to said defendants or diminishing the damages recoverable by plaintiffs herein in proportion to the culpable conduct attributable to plaintiffs, together with the costs and disbursements of this action, and for any expenses incurred in the defense thereof, including attorneys' fees.

Dated: East Norwich, New York  
May 1, 2007

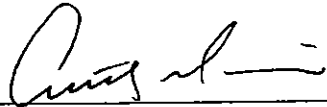
Yours, etc.,

LAW OFFICES OF VINCENT D. McNAMARA

Attorneys for Defendants

**INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity; OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B.**

**HESSE, individually and in his official capacity**

BY:   
Anthony Marino (AM 0571)

Tower Square - 1045 Oyster Bay Road, Ste. 1  
East Norwich, New York 11732  
516-922-9100  
516-922-9208 (Fax)  
File No.: 901-3627 AM:mgk

TO:

THOMPSON, WIGDOR & GILLY, LLP  
Attorneys for Plaintiff  
350 Fifth Avenue - Suite 5720  
New York, New York 10118  
212-239-9292  
212-239-9001 (Fax)





Index No. CV 07 1215

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON SANCHEZ, individually and in her official capacity,

Defendants.

**ANSWER**

Signature  
Print Name Beneath

**LAW OFFICE OF VINCENT D. McNAMARA**

Attorneys for Defendants

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity

Tower Square -1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100

To:  
Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney(s) for

**NOTICE OF ENTRY:** PLEASE take notice that the within is a (certified) true copy of an ORDER duly entered in the office of the clerk of the within named court on

Dated:

To:  
Attorney(s) for

**NOTICE OF SETTLEMENT:** PLEASE take notice that an order of which the within is a true copy will be presented for settlement to the Hon. \_\_\_\_\_ one of the judges of the within named Court, at

Dated:

To:  
Attorney(s) for

Yours, etc.

**LAW OFFICE OF VINCENT D. McNAMARA**

Attorneys for Defendant

Tower Square - 1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Index No.: CV 07 1215  
EDWARD CARTER, FRANK FIORILLO, KEVIN  
LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

**NOTICE TO TAKE  
DEPOSITION**

INCORPORATED VILLAGE OF OCEAN BEACH;  
MAYOR JOSEPH C. LOEFFLER, JR., individually  
and in his official capacity; former mayor NATALIE  
K. ROGERS, individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT; ACTING  
DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity ; SUFFOLK  
COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT;  
SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE;  
and ALISON SANCHEZ, individually and in her  
official capacity,

Defendants.

-----X  
**S I R S:**

**PLEASE TAKE NOTICE**, that pursuant to Rule 26A of the F.R.C.P., the  
Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C.  
LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE  
K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE  
DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity**, will cause to be taken the testimony of  
Plaintiffs, distributees and any person having knowledge of the subject matter concerning  
all of the relevant facts and circumstances in connection with the issues alleged in Plaintiffs'  
Complaint, including negligence, contributory negligence, liability or damages and said

persons to be examined are required to produce all books, records and papers in their custody and possession that may be relevant to the issues herein, including diaries, notes, memoranda, bills and canceled checks with respect to medical care and treatment.

**PLEASE TAKE FURTHER NOTICE**, that such an examination and deposition will be taken at the LAW OFFICE OF VINCENT D. McNAMARA, Tower Square, Tower Square, 1045 Oyster Bay Road, Suite 1, East Norwich, New York 11732 or at the Courthouse of the County in which this action is pending on the **29<sup>th</sup> day of June, 2007, at 10:00 a.m.**, or at such time and place to which the parties or their attorneys may stipulate.

Dated: East Norwich, New York  
May 1, 2007

Yours, etc.,

LAW OFFICES OF VINCENT D. McNAMARA  
Attorneys for Defendants  
**INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity**  
INCORPORATED VILLAGE OF OCEAN BEACH  
and OCEAN BEACH POLICE DEPARTMENT

BY: 

Anthony Marino (AM 0571)

Tower Square - 1045 Oyster Bay Road, Ste. 1  
East Norwich, New York 11732  
516-922-9100  
516-922-9208 (Fax)  
File No.: 901-3627 AM:mgk

TO:

THOMPSON, WIGDOR & GILLY, LLP  
Attorneys for Plaintiff  
350 Fifth Avenue - Suite 5720  
New York, New York 10118  
212-239-9292  
212-239-9001 (Fax)

# AFFIDAVIT OF SERVICE

[illegible]

MARY GEN KIEF, being duly sworn deposes and says:

That deponent is not a party to the action, is over 18 years of age, and resides in the State of New York.

That on the 10th day of May, 2007 deponent served the within **NOTICE TO TAKE DEPOSITION** by mailing in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address(es) of the addressee(s) as indicated below:

THOMPSON, WIGDOR & GILLY, LLP  
Attorneys for Plaintiffs  
350 Fifth Avenue - Suite 5720  
New York, New York 10118  
212-239-9292

MARY GEN KIEF

Sworn to before me this  
10<sup>th</sup> day of May, 2007.

Yara Pantier  
NOTARY PUBLIC

VERA M. PIANTIERI  
Notary Public, State of New York  
No. 01PI4853525  
Qualified in Suffolk County  
Commission Expires Feb. 17, 2002

Index No. CV 07 1215

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON SANCHEZ, individually and in her official capacity,

Defendants.

### NOTICE TO TAKE DEPOSITION

Signature \_\_\_\_\_  
Print Name Beneath

**LAW OFFICE OF VINCENT D. McNAMARA**

Attorneys for Defendants

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity

Tower Square -1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for

**NOTICE OF ENTRY:** PLEASE take notice that the within is a (certified) true copy of an ORDER duly entered in the office of the clerk of the within named court on

Dated:

To:

Attorney(s) for

**NOTICE OF SETTLEMENT:** PLEASE take notice that an order of which the within is a true copy will be presented for settlement to the Hon. \_\_\_\_\_ one of the judges of the within named Court, at

Dated:

To:

Attorney(s) for

Yours, etc.

**LAW OFFICE OF VINCENT D. McNAMARA**

Attorneys for Defendant

Tower Square - 1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Index No.: CV 07 1215

EDWARD CARTER, FRANK FIORILLO, KEVIN  
LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

**REQUEST FOR PRODUCTION**

INCORPORATED VILLAGE OF OCEAN BEACH;  
MAYOR JOSEPH C. LOEFFLER, JR., individually  
and in his official capacity; former mayor NATALIE  
K. ROGERS, individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT; ACTING  
DEPUTY POLICE CHIEF GEORGE B. HESSE,  
individually and in his official capacity ; SUFFOLK  
COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT;  
SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE;  
and ALISON SANCHEZ, individually and in her  
official capacity,

Defendants.

-----X  
**S I R S:**

**I. DEMAND FOR PLAINTIFFS' MEDICAL RECORDS,  
HOSPITAL AUTHORIZATIONS AND SPECIFIED  
INFORMATION**

**PLEASE TAKE NOTICE**, that the undersigned attorney demands that you furnish the following items:

1. If this is an action for personal injuries, then pursuant to the applicable Rules as stated in the Uniform Trial Court Rules concerning the exchange of medical information, you are hereby required to furnish within twenty (20) days from the date of this demand, copies of all medical records, reports, diagnoses, prognoses, as well as hospital records, x-rays, charts, and fully executed authorizations to examine any and all of the aforesaid unless already provided.

**PLEASE TAKE FURTHER NOTICE**, that upon failure to comply with this demand, the Plaintiff will be precluded upon the trial of this action from offering in evidence or testifying as to any of the items requested herein.



## **II. NOTICE FOR DISCOVERY AND INSPECTION**

**PLEASE TAKE NOTICE**, that pursuant to F.R.C.P., you are hereby directed to produce for discovery and inspection, at the **LAW OFFICES OF VINCENT D. McNAMARA**, Tower Square, 1045 Oyster Bay Road, East Norwich, New York 11732 twenty days (20) from the service hereof, the following items:

1. The full caption of each and every lawsuit brought on Plaintiff's behalf to recover damages for any connected or aggravated injuries allegedly caused and sustained by reason of the acts of one or more preceding, joint, concurrent and/or succeeding tortfeasors, including:
  - a. Court.
  - b. Index Number.
  - c. Calendar Number.
  - d. Names and Addresses of all litigants.
  - e. Names and Addresses of all attorneys appearing for the litigators.
  - f. Status of lawsuit.
    - i. If not noticed for trial, specify the date.
    - ii. If settled, annex a copy of each release delivered indicating the amounts contributed by Defendant.
    - iii. If discontinued without payment, annex a copy of each stipulation so delivered to Defendant.
    - iv. If tried, annex a copy of the judgment with notice of entry.
    - v. If judgment was satisfied, set forth date and amount of payment and annex a copy of satisfaction of judgment.
2. Copies of any and all records of the Defendant(s) in the Plaintiff's possession.

**PLEASE TAKE FURTHER NOTICE**, that the within Demand is a continuing Demand. In the event any of the above items are obtained after the service of this Demand, they are to furnished to this office.

**PLEASE TAKE FURTHER NOTICE**, that in lieu of producing the items demanded herein, the Plaintiff may submit to the undersigned true and conformed copies of the items demanded herein at any time prior to the aforesaid date.

**PLEASE TAKE FURTHER NOTICE**, that upon your failure to produce the aforesaid items at the time and place required in this notice, a Motion will be made for the

appropriate relief to this Court.

### **III. DEMAND FOR STATEMENTS**

**PLEASE TAKE NOTICE**, that Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT and ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity**, represented by the undersigned, demand that Plaintiffs are required to produce, pursuant to F.R.C.P., within twenty (20) days, at the law office of the attorneys for the Defendants and permit us to discover, inspect, copy and photograph the following:

- (a) Any signed statement, unsigned statement, or copy of any recorded statement or document made by or taken from any party represented by the servant or employee of any Defendant represented by this office. The term statement includes any and all records or reports sent by Defendant(s) to Plaintiff or his representatives.
- (b) Any signed statement, unsigned statement, or copy of any recorded statement or document made or taken from any co-defendant or agent, servant or employee of any co-defendant.
- (c) If you do not possess any such statement, so state in a verified reply to the within Demand.

**PLEASE TAKE FURTHER NOTICE**, that default in complying with this Demand within twenty (20) days of the date hereof will serve as a basis for objection by the undersigned to the use of such statements upon trial.

**PLEASE TAKE FURTHER NOTICE**, that if you fail to comply with the foregoing Demand in twenty (20) days, it will serve as the basis of a Motion for appropriate relief pursuant to the CPLR.

### **IV. DEMAND FOR NAMES AND ADDRESSES OF WITNESSES**

**PLEASE TAKE NOTICE**, that Defendants, **INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official**

capacity; former mayor **NATALIE K. ROGERS**, individually and in her official capacity, **OCEAN BEACH POLICE DEPARTMENT** and **ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE**, individually and in his official capacity, demand that you set forth in writing, under oath, and serve upon is within twenty (20) days of this date:

(1) The name and address of each person known or claimed by you or any party you represent in this action to be a witness to:

- (a) The occurrence alleged in the Verified Amended Complaint in this action; or
- (b) Any acts, omissions, or conditions which allegedly caused the occurrence alleged in the Amended Complaint; or,
- (c) Any actual notice allegedly given to the Defendants answering herein or any condition which allegedly caused the occurrence alleged in the Amended Complaint; or
- (d) The injuries and/or damages alleged in the Verified Amended Complaint.
- (e) Conversations or admissions of the Defendants.

**PLEASE TAKE FURTHER NOTICE**, that appropriate motions will be made at a trial of this matter to preclude the testimony of any witness to the above-described facts and circumstances who is not identified by the Plaintiff in response to this notice.

## **V. DEMAND FOR AUTHORIZATIONS**

**PLEASE TAKE NOTICE**, that the undersigned hereby demands that you serve within twenty (20) days of the receipt hereof duly executed authorizations containing complete names and addresses, permitting the undersigned to obtain all records regarding the Plaintiff(s) in the possession and control of the following:

1. All medical records, reports, diagnoses, prognoses as well as hospital

records, x-rays, CT scans, MRI's, ultrasound and/or other films, charts and diagnostic tests;

2. All records evidencing and/or relating to any claim or request submitted by Plaintiff(s) to any collateral source for payment and/or reimbursement of any and all expenses incurred as a result of the subject accident or illness and any and all payments and/or referrals by any collateral source for such payment; and/or
3. All employment records.

## **VI. DEMAND FOR PHOTOGRAPHS AND VIDEOTAPES**

**PLEASE TAKE NOTICE**, that the undersigned attorneys demand that you furnish the following items:

1. Copies of all photographs and/or videotapes depicting the alleged negligence claimed herein;
2. Copies of all photographs and/or videotapes depicting the injuries alleged herein.

**PLEASE TAKE FURTHER NOTICE**, that upon the failure to comply with this demand, the Plaintiffs will be precluded upon the trial of this action from offering in evidence or testifying as to any of the items requested herein.

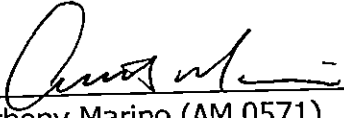
Dated: East Norwich, New York  
May 1, 2007

Yours, etc.,

LAW OFFICES OF VINCENT D. McNAMARA  
Attorneys for Defendants  
**INCORPORATED VILLAGE OF OCEAN  
BEACH; MAYOR JOSEPH C. LOEFFLER, JR.,  
individually and in his official capacity;  
former mayor NATALIE K. ROGERS,  
individually and in her official capacity,  
OCEAN BEACH POLICE DEPARTMENT and**

**ACTING DEPUTY POLICE CHIEF GEORGE B.  
HESSE, individually and in his official  
capacity**

BY:

  
Anthony Marino (AM 0571)

Tower Square - 1045 Oyster Bay Road, Ste. 1  
East Norwich, New York 11732  
516-922-9100  
516-922-9208 (Fax)  
File No.: 901-3627 AM:mgk

TO:

THOMPSON, WIGDOR & GILLY, LLP  
Attorneys for Plaintiff  
350 Fifth Avenue - Suite 5720  
New York, New York 10118  
212-239-9292  
212-239-9001 (Fax)

## **AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                      )   ss.:  
COUNTY OF NASSAU     )

MARY GEN KIEF, being duly sworn deposes and says:

That deponent is not a party to the action, is over 18 years of age, and resides in the State of New York.

That on the 10<sup>th</sup> day of May, 2007 deponent served the within **REQUEST FOR PRODUCTION** by mailing in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address(es) of the addressee(s) as indicated below:

THOMPSON, WIGDOR & GILLY, LLP  
Attorneys for Plaintiffs  
350 Fifth Avenue - Suite 5720  
New York, New York 10118  
212-239-9292

  
\_\_\_\_\_  
MARY GEN KIEF

Sworn to before me this  
10<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC

VERA M. PIANTIERI  
Notary Public, State of New York  
No. 01PI4853525  
Qualified in Suffolk County  
Commission Expires Feb. 17, 2008 2010

Index No. CV 07 1215

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON SANCHEZ, individually and in her official capacity,

Defendants.

## REQUEST FOR PRODUCTION

Signature  
Print Name Beneath

### LAW OFFICE OF VINCENT D. McNAMARA

Attorneys for Defendants

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity

Tower Square - 1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for

**NOTICE OF ENTRY:** PLEASE take notice that the within is a (certified) true copy of an ORDER duly entered in the office of the clerk of the within named court on

Dated: \_\_\_\_\_

To:

Attorney(s) for

**NOTICE OF SETTLEMENT:** PLEASE take notice that an order of which the within is a true copy will be presented for settlement to the Hon. \_\_\_\_\_ one of the judges of the within named Court, at

Dated: \_\_\_\_\_

To:

Attorney(s) for

Yours, etc.

### LAW OFFICE OF VINCENT D. McNAMARA

Attorneys for Defendant

Tower Square - 1045 Oyster Bay Road - Suite 1

East Norwich, New York 11732

516-922-9100